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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,402

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Kiu-Hac Jung

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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/673,402

**Applicant(s)**

JUNG ET AL.

**Examiner**

Peter Vincent Agustin

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 27-31, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 11, 27, 29-31, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 3-7, 9, 10 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-11, 27-31, 36 & 37 are currently pending.
2. Prosecution on the merits of this application is reopened on claims 1-11, 27-31, 36 & 37 considered unpatentable for the reasons indicated below.
3. The indicated allowability of claims 1-11, 27-31, 36 & 37 is withdrawn in view of the newly discovered reference(s) to Shigenobu et al. (US 5,917,792). Rejections based on the newly cited reference(s) follow.

***Information Disclosure Statement***

4. In response to applicant's request for consideration of the Information Disclosure Statement (IDS) filed on January 21, 2009, a signed/initialed copy of the IDS is attached herewith.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 8, 11, 27, 29-31, 36 & 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Shigenobu et al.

In regard to claim 1, Shigenobu et al. disclose an information storage medium (Figure 4) for use with a recording and/or reproducing apparatus, the information storage medium comprising: a user data area (1<sup>st</sup> sector through 16<sup>th</sup> sector) comprising user data and first sync patterns (SY1, SY2, SY3, SY4); and an additional data area (“preamble” and “postamble”)

located before and/or after the user data area (as shown), and comprising second sync patterns that are different from the first sync patterns (as shown) and that enable the apparatus to distinguish the additional data area from the user data area when the information storage medium is used with the apparatus (column 5, lines 16-18); wherein: the second sync patterns comprise: a third sync pattern (pattern SY4, SY3, SY2, SY1 of “preamble”) comprising a third sync body (Figure 6: last 16 bits of pattern SY4, SY3, SY2, SY1) and a third sync identification (first 16 bits of pattern SY4, SY3, SY2, SY1), and a fourth sync pattern (pattern SY4, SY4, SY4, SY4 of “postamble”) comprising a fourth sync body (last 16 bits of pattern SY4, SY4, SY4, SY4) and a fourth sync identification (first 16 bits of pattern SY4, SY4, SY4, SY4), the third sync identification is different from the fourth sync identification (as shown in Figures 4 & 6), the information storage medium is a read-only information storage medium (column 17, lines 7-9: “recording medium comprising a preamble part intended exclusively for playback, such as a DVD”).

Furthermore, in regard to the limitation that “the additional data area is provided to make the read-only information storage medium compatible with a recordable information storage medium”, it should be noted that this is merely a recitation of intended use that neither limits the scope and/or effect of the claim language nor limits the structure of the claimed information storage medium, and therefore is not given patentable weight. See MPEP § 2111.04.

In regard to claim 2, Shigenobu et al. disclose that the first sync patterns and/or the second sync patterns are disposed in a plurality of locations, and are arranged so that adjacent ones of the first sync patterns and/or the second sync patterns are separated by equal intervals (as shown in Figure 2).

In regard to claims 8 & 11, Shigenobu et al. disclose that each of the first sync patterns (SY1, SY2, SY3, SY4) comprises a first sync body (Figure 6, last 16 bits of pattern SY1, SY2, SY3, SY4) and a first sync identification (first 16 bits of pattern SY1, SY2, SY3, SY4), and each of the first sync identification, the third sync identification (first 16 bits of pattern SY4, SY3, SY2, SY1), and the fourth sync identification (first 16 bits of pattern SY4, SY4, SY4, SY4) satisfies a run-length limited (RLL) (d, k) code having a minimum constraint of d and a maximum constraint of k (as shown in Figure 6, the first 16 bits of the sync patterns all satisfy an RLL (2, 10) code).

Claims 27, 30 & 31 have similar limitations as claims 1, 8 & 11 and are rejected on the same grounds. Furthermore, in regard to claim 27, Shigenobu et al. disclose a recording and/or reproducing apparatus (Figure 1), the apparatus comprising: a recording and/or reproducing unit (11) to optically transfer user data and/or additional data between the apparatus and the information storage medium (10); and a controller (inherent component that controls pickup 11) to control the recording and/or reproducing unit to transfer the user data with respect to the user data area, and to transfer the additional data with respect to the additional data area.

In regard to claim 29, Shigenobu et al. disclose that the controller further controls the recording and/or reproducing unit to: determine another user data area (see Figure 2) comprising first sync patterns (as shown in Figure 4) so that the additional data area ("postamble area" and "preamble area") is disposed between the user data area and the other user data area (as shown in Figure 2), and transfer the user data with respect to the other user data area.

In regard to claims 36 & 37, Shigenobu et al. disclose that each of the first sync body (Figure 6: last 16 bits of pattern SY1, SY2, SY3, SY4), the third sync body (last 16 bits of

pattern SY4, SY3, SY2, SY1), and the fourth sync body (last 16 bits of pattern SY4, SY4, SY4, SY4) does not satisfy the run-length limited (RLL) (d, k) code having the minimum constraint of d and the maximum constraint of k (as shown, the last 16 bits have far too many contiguous zeros, and do not satisfy the RLL (2, 10) code.

***Allowable Subject Matter***

7. Claims 3-7, 9, 10 & 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record alone or in combination fails to teach or suggest:

in claim 3, “...wherein the second sync patterns are arranged in a plurality of locations in the additional data area so that a size of each of a plurality of user data recorded in the user data area and separated by the first sync patterns is equal to a size of each of a plurality of additional data recorded in the additional data area and separated by the second sync patterns”; and

in claim 6, “...wherein the first sync patterns are arranged in a plurality of locations in the user data area, and a total size of additional data recorded in the additional data area is an integer multiple of a size of each of a plurality of user data recorded in the user data area and separated by the first sync patterns”.

Claims 9, 10 & 28 have similar limitations as claims 3 & 6.

Claims 4, 5 & 7 are dependent upon base claims having allowable subject matter.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weng et al. (US 5,365,382), Yamasaki et al. (US 5,502,699), Esumi (US 2001/0010604), and Yoon et al. (US 2003/0179689) are all pertinent to applicant's disclosure of an information storage medium comprising a user data area having a first sync pattern and an additional data area having a second sync pattern.

10. Applicant's amendment filed on November 10, 2008 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is (571) 272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/  
Primary Examiner, Art Unit 2627

/Andrea L Wellington/  
Supervisory Patent Examiner, Art Unit 2627